

No. 11(112)-80-8Lab/12270.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s India Steel Corporation, Mathura Road, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 272 of 1978

between

SHRI SHREE RAM, WORKMAN AND THE MANAGEMENT OF M/S INDIA STEEL CORPORATION,
MATHURA ROAD, FARIDABAD

Present—

Shri P.K. De, for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/624-77/34222, dated 20th July, 1978, the Governor of Haryana referred the following dispute between the management of M/s India Steel Corporation, Mathura Road, Faridabad and its workman Shri Shree Ram, to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Shree Ram was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, an issue was put as per terms of reference and the case was fixed for the evidence of the management who examined Shri Prem Chand, Accountant, as MW-1 and closed their case. Then the case was fixed for the evidence of the workman who examined himself and closed his case. Arguments were heard. I now give my finding on the above issue.

MW-1 stated that the factory was engaged in the manufacture of screw headers. The factory stood closed from 1st November, 1979. He produced copy Ex. M-1 and M-2. The factory was running in losses. Therefore, it was closed and machineries sold to Kaveri Industries. Agreement of sale was Ex. M-3. He further stated that the management displayed notice Ex. M-4 asking the workmen to their legal dues from the management. Individual notice was also sent to the workman copy Ex. M-5. The dues of the workman under section 25(F) were tendered by Ex. M-6 but he refused to receive. Then the same was sent,—vide Ex. M-7. Cheque Ex. M-8 received back undelivered. Postal receipt of sending copies of M-4 were Ex. M-5 to M-10. He further stated that they informed the Government about the closure of the factory,—vide Ex. M-12. He placed on record Ex. M-14 to M-17. In cross-examination he stated that he did not know if the workman formed a union in the factory. He denied the suggestion that the workman was stopped at the gate. He further stated that all the workmen except the concerned workman had received this payment. He admitted his signatures on Ex. W-1. The work on header machine had been closed prior to its sale. The entire factory had been closed since 1st January, 1979.

WW-1 the workman concerned stated that he worked in the factory for about 5 years. He was President of the workers union. The management had given him letter Ex. W-2 but he declined to accept the contract. Then the management issued him Ex. W-3. When he went to the factory it was closed. He made a complaint to the Labour Inspector,—vide Ex. W-1. The management agreed to reinstate him, before the Conciliation Officer, but did not do so. In cross examination he stated that he made a complaint,—vide Ex. W-11. He denied that the management sold the factory. He admitted that none of the workman mentioned in Ex. M-11 were in service now. He admitted that they had received their full and final payment from the management. He could not tell the month and year of his joining the service. He denied the suggestion that the management tendered him Ex. M-4 and M-5 and also the amount according to Ex. M-6.

I have gone through the record. I find that the factory had been finally closed due to losses and its machineries sold. The management offered the workman concerned retrenchment compensation and other benefits of service till the date of closure. Ex. W-2 is a letter from the management asking him to turn a contractor on one of the header machine because they were suffering losses. This offer was not acceptable to the workman. No change in condition of service can be effected by the management without the consent of the workman. Letter Ex. W-2 is dated 9th July, 1977, whereas in their letter dated 20th July 1977 Ex. W-3; the workman is shown absent with effect from 1st July, 1977, the day the management wanted to

change a condition of service. Such a change is not allowed under law, and termination on this ground is unjustified. Therefore, I give my award that the workman is entitled to all the benefits of service till the date of closure, i. e., 1st November, 1979.

Dated the 3rd November, 1980.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 1024, dated the 4th November, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No 11(112)-80-8Lab/12612.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Malevel Castings, Sector 24, Faridabad.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER,
LABOUR COURT, HARYANA, FARIDABAD
Reference No. 26 of 1979

between

SHRI SUKHI RAM, WORKMAN AND THE MANAGEMENT OF M/S MALEVEL CASTINGS,
SECTOR 24, FARIDABAD.

Present.—

None for the workman.
None for the management.

AWARD

This reference No. 26 of 1979 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/44/79/49945, dated the 26th November, 1979, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Sukhi Ram, workman and the management of Mops Malevel Castings, Sector 24, Faridabad. The term of the reference was:—

Whether the termination of services of Shri Sukhi Ram was justified in and order? If not, to what relief is he entitled to?

After receiving this reference notices were issued to both the parties. Both the parties appeared and, the management filed the written statement on 15th February, 1980 and the case was fixed for 22nd February, 1980, for filling of rejoinder and framing of issues. On 22nd February, 1980, both the parties prayed for a date for settlement which was granted and the case was fixed for 29th February, 1980. On that day neither the workman nor his authorised representative was present but the management was present. My learned predecessor passed the *ex parte* order against the workman and the same day the *ex parte* evidence of the management was recorded. Shri V. P. Sharma, Partner of the respondent management, stated that the above-said workman had left his services of his own accord and his other Partner started his own foundry. This workman was employed by that Partner. He further stated that his factory was closed since then and the award was reserved.

On 24th March, 1980, the representative of the workman filed an application for setting aside the *ex parte* order which was set aside and the notice was sent to the management for 22nd May, 1980, but the service of the notice could not be effected on the management. Then the representative of the workman was directed to file the correct address of the respondent and the case was fixed for 9th July, 1980. On that day none was present from either side. The service of the notice could not be effected on the management as the employer was not available on that new address.

In these circumstances, I feel that the workman had settled his dispute with the management and joined his services in the foundry of other partner of the respondent company as stated by Shri V. P. Sharma. The workman is not interested to pursuing his case. I send no-dispute award in this reference. No order as to costs. This be read in answer of this award.

Dated the 6th November, 1980.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 2074, dated the 10th November, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above-said award may please be acknowledged within week's time.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.